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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,176	02/22/2005	Freddy Snijder	NL 020800	7737

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EXAMINER	
YOUSEFI, SHAHROUZ	
ART UNIT	PAPER NUMBER
2132	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,176	SNIJDER ET AL.	
	Examiner	Art Unit	
	SHAHROUZ YOUSEFI	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 February 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/272006 and 02/22/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims17-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See MPEP 2106.01 and e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al. (5,621,454) hereinafter Ellis.

5. With respect to claim 1, Ellis discloses a method of content identification (col. 4, lines 4-7), comprising the step of: creating a first signature for a first

content item comprising a first sequence of frames (2) (col. 4, lines 10-12), characterized in that: the step of creating the first signature (2) comprises creating a first sub-signature (24) to comprise a first sequence of first averages, a first average being stricken of values of a feature in multiple frames in the first sequence of frames (col. 4, lines 53-67 and col. 5, lines 41-45).

6. With respect to claim 2, Ellis discloses the step of creating a second signature for a second content item comprising a second sequence of frames (4); in which the step of creating the second signature (4) comprises creating a second sub-signature (24, 84) to comprise a second sequence of second averages, a second average being stricken of values of the feature in multiple frames in the second sequence of frames (col. 5, lines 45-52); the method further comprising the step of determining similarity between the first and the second signature (6); and said step of determining similarity between the first and the second signature (6) comprises determining similarity between the first and the second sub-signature (48) (col. 5, lines 52-56).

7. With respect to claim 3, Ellis discloses the step of determining similarity between the first and the second signature (6) comprises calculating a coefficient of correlation between the first and the second signature (50) and comparing the coefficient with a threshold (52) (The respective values of the first and second signatures are compared and bit values of the mask word are established based on this comparison, abstract and fig. 8).

8. With respect to claim 4, Ellis discloses the step of determining similarity between the first and the second signature (6) comprises calculating a coefficient

of correlation between a first sub-sequence at a position in the first sequence of averages and multiple second sub-sequences in the neighborhood of a corresponding position in the second sequence of averages (46) (col. 20, lines 54-64).

9. With respect to claim 5, Ellis discloses the coefficient of correlation between the first sub-sequence and the multiple second sub-sequences (46) is calculated by using weights, a weight being larger if a second sub-sequence is near the corresponding position and smaller if a second sub-sequence is remote from the corresponding position (wherein w_1 through w_4 are respective numerical weights assigned to each of the characteristics for determining their relative importance in the determination of the false match rating R, col. 25, lines 61-67).

10. With respect to claim 6, Ellis discloses the step of creating a signature (2, 4) comprises creating multiple sub-signatures, and similarity between the first and the second signature (6) is determined by using the multiple sub-signatures (col. 25, lines 32-41).

11. With respect to claim 7, Ellis discloses creating a sub-signature (24) comprises reducing the number of averages (col. 22, lines 1-3 and col. 26, lines 30-35).

12. With respect to claim 8, Ellis discloses if the second content item is comprised in a third content item and the first and the second signature are similar, a further step comprises skipping the second content item in the third content item (8) (col. 46, lines 8-26).

13. With respect to claim 9, Ellis discloses identifying boundaries between a first segment and a second segment of a third content item, and another step comprises skipping the first segment in the third content item (10) if the second content item comprises the first segment and the first and the second signature are similar (col. 12, line 63 - col. 13 line 17).

14. With respect to claim 10, Ellis discloses recording the second content item (12) if the first and the second signature are similar (col. 22, lines 1-11).

15. With respect to claim 12, Ellis discloses an interface (64) for interfacing with a storage means (66) storing a first signature of a first content item (an interface circuit 274, col. 20, line 16 and fig. 7B), the first content item comprising a first sequence of frames; a receiver (68) able to receive a signal comprising a second content item, the second content item comprising a second sequence of frames; and a control unit (70) (control computer 30, fig. 2) able to use the interface (64) to retrieve the first signature from the storage means (66), able to create a second signature for the second content item, and able to determine similarity between the first signature and the second signature (The control computer 30 is adapted to select key signatures, provide match confirmation, process new segment data and communicate with the central site 12. The disk drive 32 provides mass data storage capability for match occurrence information, new commercial information and audio/video data for transmission to the central site 12, col. 10, lines 25-30), characterized in that the control unit (70) is able to: create a first sub-signature from the first signature, the first sub-signature comprising a first sequence of averages of values of a feature in multiple frames

in the first sequence of frames; create a second sub-signature for the second signature by averaging values of the feature in multiple frames in the second sequence of frames (col. 22, lines 1-11); determine similarity between the first and the second sub-signature (col. 5, lines 52-56); and determine similarity between the first and the second signature in dependence upon the similarity between the first and the second sub-signature (col. 5, lines 45-56).

16. Claims 13-15 correspond to claims 3, 8, and 10 and are therefore rejected for the same reasons as claims 13-15.

17. Claim 17-18 are correspond to claims 1, and 3 and are therefore rejected for the same reasons as claims 1, and 3.

18. With respect to claim 19, Ellis discloses that It will be appreciated that the systems and methods of the present invention may be implemented in whole or in part using either analog or digital circuitry, or both, and that the elements and steps thereof may be implemented or carried out utilizing any of a variety of system and subsystem configurations and devices, and that the various steps and elements may be carried out and implemented either with the use of hardwired or software based processors, col. 50, lines 26-33).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (5,621,454) hereinafter Ellis in view of Koninkl Philips Electronics (WO 01 45 386) hereinafter Koninkl.

21. With respect to claims 11 and 16, Ellis doesn't disclose generating an alert. However, Koninkl discloses generating an alert (14) if the first and the second signature are similar (Initially, TV/radio broadcast facility110 receives an incoming emergency alert or alarm indication from one or more public safety agencies associated with EBS 100, such as FEMA131, NWS 132, police service 133, and service fire 134, or others (process step 305), see fig. 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ellis with the alert system of Koninkl to alert the status of the signature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHROUZ YOUSEFI whose telephone number is (571) 270-3558. The examiner can normally be reached on Monday-Thursday 9:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 5712723799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y./
Examiner, Art Unit 2132
05/09/2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132